

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>SYLVESTER SHOCKLEY,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-211-SLR
	:	
<b>THOMAS L. CARROLL,</b>	:	
Warden, and <b>CARL C. DANBERG,</b>	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Sylvester Shockley, has applied for federal habeas relief, challenging his state criminal sentence. D.I. 1. By the terms of the Court's order, the answer is due to be filed on June 21, 2006.

2. Counsel for respondents has been, and continues to be, diligently working on numerous cases before this Court and the state courts, including several first degree murder cases. However, the departure of three deputies from the Appeals Division has greatly increased the workload for the remaining attorneys in the division. Moreover, counsel will be out of the office for a week at the beginning of August for a work-related seminar. Although counsel has completed the research relating to the grounds for relief presented in Shockley's petition, additional time is needed to complete the answer.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of



time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985). The comment to Rule 4 expressly states that the district court has "the discretion to take into account various factors such as the respondent's workload" in determining the period of time that should be allowed to answer the petition.

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including August 11, 2006, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Loren C. Meyers  
Chief of Appeals Division  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 2210

DATE: June 19, 2006



**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Loren C. Meyers  
Chief of Appeals Division

Counsel for Respondents

Date: June 19, 2006



**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2006, I electronically filed a motion for extension of time and attachment with the Clerk of Court using CM/ECF. I also hereby certify that on June 19, 2006, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Sylvester Shockley  
SBI No. 090135  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Loren C. Meyers  
Chief of Appeals Division  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 2210  
loren.meyers@state.de.us



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Warden, and <b>CARL C. DANBERG,</b>	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

**ORDER**

This \_\_\_\_ day of \_\_\_\_\_, 2006,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before August 11, 2006.

\_\_\_\_\_  
United States District Judge